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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,896	02/29/2000	Akio Yoneyama	000233	9736

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EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/515,896

Applicant(s)

YONEYAMA ET AL. 

Examiner

Tung T. Vo

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/26/02 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 2, 3, 5, 7-16

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
CHRIS KELLEY

Tung T. Vo  
Examiner  
Art Unit: 2613  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

*Response to Arguments*

1. Applicant's arguments filed 12/26/02 have been fully considered but they are not persuasive.

The applicant argued that Kato et al. fails to disclose that a GOP boundary position is decided based on a decision by an intra-frame coding mode decision means; a coding of entire video picture is coded intra-frame; a distance between P frames; a control means whereby a GOP becomes variable, pages 1-3 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Kato further discloses intra-frame coding mode decision means, intra-frame prediction mode (14, 14d of fig. 4) for deciding an intra-frame coding mode without using any motion compensatory prediction (23 of fig. 3) based on the variance (col. 5, lines 49-67), where the prediction mode (14 of fig. 3) selects intra-frame for coding without using any motion compensation prediction and the detector detects the motion of the input signal to calculate variance, so this suggests an intra-frame mode decision means decides the intra-frame coding mode based on a variance between time wise adjacent input video signals (See also elements 11, 13, 14 of fig. 3). Kato further suggests a coding entire video picture is coded intra-farme (INTRA-FRAME, 14d of fig. 3), a distance between P frames is calculated by the motion compensation (23 of fig. 3; fig. 11; the predicted frames are calculated between the GOP0 and GOP1 or GOP2), a control means whereby a GOP becomes variable (32 of fig. 1). Kato further suggests a GOP boundary position (11 and 12 of fig. 3) is decided based on a decision by an intra-frame coding mode decision

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means (13 and 14 of fig. 3). In view of the discussion above, Kato anticipates the claimed invention.

It is noted that Tanaka does not describe a system identical to that disclosed by applicant(s). However, claims 2, 3, 5, 7-13 are to be given their broadest reasonable interpretation during examination, and the scope of a claim cannot be narrow by reading disclosed limitations into the claim. See In re Morris, 127 F. 3d 1048, 1054, 44 USPQ2d, 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F. 2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969).

In addition, the law of anticipation does not require that a reference “teach” what an applicant’s disclosure teaches. Assuming that a reference is properly “prior art,” it is only necessary that claim “read on” something disclosed in reference, i.e., all limitations of the claim are found in the reference, or “full met” by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760,772, 218 USPQ 781, 789 (Fed. Cir. 1983). As conclusion, the rejection of claims 1-8 under 35 U.S.C 102 as being anticipated by Kanaka.

The applicant further argued that Igarashi does not teaches the same “dividing a target video picture into small blocks so as to judge an edge region inside the video picture based on the dispersion value of pixel information on the small block”; and in Kato there is not disclosure of “ predicting coding complexity in each system based on the feature of the video picture inside the GOP so as to control quality at the time of coding in consideration of the complexity”, pages 3-5 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Igarashi teaches the picture fig. 3 is divided into small blocks (fig. 10A-10B), these small blocks are

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being used to judge an edge region inside the video picture based on the dispersion value of pixel information on the small block as suggested by Igarashi (fig. 32), where the var1 is used to detect comb deformation of edges in a picture due to motion, so the claimed features would be unpatentable over Igarashi. It is further submitted that Kato teaches means for dividing a target video picture into small blocks (MPEG, Macro-Block is MB) (col. 13, lines 40-51), where the I, P, or B is divided into macro-block (fig. 18C), the macro-block is divided into small block that is divided into pixels as well 8x8 dots (fig. 18C), and coding complexity prediction means (col. 11, lines 41-55) for predicting coding complexity in each coding system based on the feature of the video picture inside the GOP, P frame or picture is inside the GOP, so as to control a coding quantity at the time of coding in consideration of the complexity (col. 13, lines 52-65), where I-pictures and P-pictures are for checking pattern complexity and inter-frame correlation. In view of the discussion above, the claimed features are unpatentable over the combination of Kato and Igarashi.

It is noted that the obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F. 2d 1385, 163 USPQ 545 (CCPA 1969).

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tung T. Vo  
Examiner  
Art Unit 2613

T. Vo  
January 6, 2003

  
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